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River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

DONE at Washington this 5th day of May, one thousand nine hundred and ten.

PHILANDER C KNOX [SEAL]

JAMES BRYCE [SEAL]

SECRETARY KNOX'S NOTE TO THE NICARAGUAN CHARGÉ D'AFFAIRES,
DECEMBER 1, 1909.

DEPARTMENT OF STATE,

WASHINGTON, *December 1, 1909.*

Sir: Since the Washington conventions of 1907, it is notorious that President Zelaya has almost continuously kept Central America in tension or turmoil, that he has repeatedly and flagrantly violated the provisions of the conventions and by a baleful influence upon Honduras, whose neutrality the conventions were to assure, has sought to discredit those sacred international obligations to the great detriment of Costa Rica, El Salvador, and Guatemala, whose governments meanwhile appear to have been able patiently to strive for the loyal support of the engagements so solemnly undertaken at Washington, under the auspices of the United States and of Mexico.

It is equally a matter of common knowledge that under the régime of President Zelaya republican institutions have ceased in Nicaragua to exist except in name; that public opinion and the press have been throttled, and that prison has been the reward of any tendency to real patriotism. My consideration for you personally impels me to abstain from unnecessary discussion of the painful details of a régime which unfortunately has been a blot upon the history of Nicaragua and a discouragement to a group of republics whose aspirations need only the opportunity of free and honest government.

In view of the interests of the United States and of its relation to the Washington Conventions, appeal against this situation has long since been made to this Government by a majority of the Central American republics. There is now added the appeal, through the revolution, of a great body of the Nicaraguan people.

Two Americans who, this Government is now convinced were officers connected with the revolutionary forces, and therefore entitled to be dealt with according to the enlightened practice of civilized nations, have been killed by direct order of President Zelaya. Their execution is said to have been preceded by barbarous cruelties. The consulate at Managua is now officially reported to have been menaced. There is thus a sinister culmination of an administration also characterized by a cruelty to its own citizens which has, until the recent outrage, found vent in the case of this country in a succession of petty annoyances and indignities which many months ago made it impossible to ask an American minister longer to reside at Managua. From every point of view it has evidently become difficult for the United States further to delay more active response to the appeals so long made to its duty to its citizens, to its dignity, to Central America, and to civilization.

The Government of the United States is convinced that the revolution represents the ideas and the will of a majority of the Nicaraguan people more faithfully than does the government of President Zelaya, and that its peaceable control is well-nigh as extensive as that hitherto so sternly attempted by the government at Managua.

There is now added the fact, as officially reported from more than one quarter, that there are already indications of a rising in the western provinces in favor of a presidential candidate intimately associated with the old régime. In this it is easy to see new elements tending toward a condition of anarchy which leaves, at a given time, no definite responsible source to which the Government of the United States could look for reparation for the killing of Messrs. Cannon and Groce, or, indeed, for the protection which must be assured American citizens and American interests in Nicaragua.

In these circumstances the President no longer feels for the government of President Zelaya that respect and confidence which would make it appropriate hereafter to maintain with it regular diplomatic relations, implying the will and the ability to respect and assure what is due from one state to another.

The Government of Nicaragua, which you have hitherto represented,

is hereby notified, as will be also the leaders of the revolution, that the Government of the United States will hold strictly accountable for the protection of American life and property the factions *de facto* in control of the eastern and western portions of the Republic of Nicaragua.

As for the reparation found due, after careful consideration, for the killing of Messrs. Groce and Cannon, the Government of the United States would be loth to impose upon the innocent people of Nicaragua a too heavy burden of expiating the acts of a régime forced upon them, or to exact from a succeeding government, if it have quite different policies, the imposition of such a burden..

Into the question of ultimate reparation there must enter the question of the existence at Managua of a government capable of responding to demands. There must enter also the question how far it is possible to reach those actually responsible and those who perpetrated the tortures reported to have preceded the execution, if these be verified; and the question whether the government be one entirely dissociated from the present intolerable conditions and worthy to be trusted to make impossible a recurrence of such acts, in which case the President, as a friend of your country, as he is also of the other republics of Central America, might be disposed to have indemnity confined to what was reasonably due the relatives of the deceased and punitive only in so far as the punishment might fall where really due.

In pursuance of this policy, the Government of the United States will temporarily withhold its demand for reparation, in the meanwhile taking such steps as it deems wise and proper to protect American interests.

To insure the future protection of legitimate American interests, in consideration of the interest of the majority of the Central American republics, and in the hope of making more effective the friendly offices exerted under the Washington conventions, the Government of the United States reserves for further consideration at the proper time the question of stipulation, also that the constitutional government of Nicaragua obligate itself by convention, for the benefit of all the governments concerned, as a guarantee for its future loyal support of the Washington conventions and their peaceful and progressive aims.

From the foregoing it will be apparent to you that your office of chargé d'affaires is at an end. I have the honor to inclose your passports for use in case you desire to leave this country. I would add at the same time that, although your diplomatic quality is terminated, I shall be happy to receive you, as I shall be happy to receive the repre-

sentative of the revolution, each as the unofficial channel of communication between the Government of the United States and the *de facto* authorities to whom I look for the protection of American interests pending the establishment in Nicaragua of a government with which the United States can maintain diplomatic relations.

Accept, sir, the renewed assurances of my high consideration.

P. C. KNOX.

Felipe Rodriguez, Esquire, etc., etc., etc.

NOTE OF THE SECRETARY OF STATE OF THE UNITED STATES INVITING THE
REPUBLICS OF AMERICA TO A PAN-AMERICAN CONGRESS.

*Mr. Blaine to Mr. Osborn.*¹

DEPARTMENT OF STATE,
Washington, November 29, 1881.

Sir: The attitude of the United States with respect to the question of general peace on the American continent is well known through its persistent efforts for years past to avert the evils of warfare, or, these efforts failing, to bring positive conflicts to an end through pacific counsels or the advocacy of impartial arbitration. This attitude has been consistently maintained, and always with such fairness as to leave no room for imputing to our government any motive except the humane and disinterested one of saving the kindred states of the American continent from the burdens of war. The position of the United States as the leading power of the New World might well give to its government a claim to authoritative utterance for the purpose of quieting discord among its neighbors, with all of whom the most friendly relations exist. Nevertheless, the good offices of this government are not and have not at any time been tendered with a show of dictation or compulsion, but only as exhibiting the solicitous good-will of a common friend.

For some years past a growing disposition has been manifested by certain states of Central and South America to refer disputes affecting grave questions of international relationship and boundaries to arbitration rather than to the sword. It has been on several such occasions a source of profound satisfaction to the Government of the United States to see that this country is in a large measure looked to by all the American powers as their friend and mediator. The just and impartial counsel

¹ For Rel. of U. S., 1881, p. 13.